



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
OPEN PIT OPERATIONS – PERMIT APPLICATION PACKAGE

INSTRUCTION TABLE AND DEFINITIONS

INFORMATION FOR INDUSTRIAL MINERAL MINE PERMITTING ACTIVITIES

Please address all permitting information to: LAND RECLAMATION PROGRAM
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176

The table below summarizes the items that require completion and submittal for various industrial mineral permitting activities. An “X” indicates a required item. The item may not be required if further explained by the associated note. The numbers in parenthesis refer to specific notes listed on the following page. Definitions of terms begin on page 2. When mining or reclamation is not complete, the site and permit requires renewal, until the Land Reclamation Commission releases bond and liability for the permitted acreage and site. For more information or additional forms, call (573) 751-4041 or visit the department’s web site at www.dnr.state.mo.us/oac/forms.

PERMITTING ACTION ► ITEM ▼	NEW PERMIT	RENEWAL (to reissue permit for one more year)	AMENDMENT (to add acres inside current Mine Plan area)	REVISION (to change a Mine Plan)	EXPANSION (to add new acres or sites)	TRANSFER (to reassign permit or site to a new operator)
Permit Application For Industrial Mineral Mines	X		X	X	X	
Fees and Bonding Worksheet: Permit Fee	X(1)		X		X	
Site Fee	X(2)	X(2)			X(2)	
Acreage Fee	X(3)	X(3)	X(3)		X(3)	
Permit Renewal Form		X				
Site Information Form	X		X(6)	X(6)	X	X(6)
Mine Plan	X			X	X	X(8)
Consent To Entry	X(4)				X(7)	X(4)
Bonding Documents	X		X		X	X
Two Copies Each of Locator and Detail Maps	X		X(5)	X(9)	X	X(8)
Public Notice	X(10)			X(9)	X(10)	X(10)
Public Notification Letter	X(11)			X(9)	X(11)	X(11)
Permit Transfer						X

NOTES

- (1) The annual permit fee for open pit sand and gravel operations mining 5,000 tons per year or less is \$300. The annual permit fee for all other open pit operations is \$500. Checks must be made payable to the "Department of Natural Resources - Land Reclamation Program".
- (2) Open pit sand and gravel operators mining 5,000 tons per year or less do not pay a **site fee**. The site fee for all other open pit operations is \$300 per mining site if operated six months or more during a permit year and \$150 if operated less than six months a year. Like the annual permit fee, the site fee must be paid annually. The fee for each site must be paid when you first apply for the permit or when you renew the permit on the same site(s). If you add new sites during the permit year by applying for a permit expansion, a fee is required for each new site at that time.
- (3) An **acreage fee** is paid on all acres bonded. The acreage fee is \$5 per acre for each acre held under bond. Sand and gravel operators mining less than 5,000 tons per year do not pay an acreage fee. All permitting actions, in addition to the calculation of fees and bonding, are valid for **whole** acres only.
- (4) Where consent to entry from the landowner(s) is required (see Definition "H"), a **Consent to Entry** form must be completed when applying for a new permit or transferring an existing permit.
- (5) Two copies of the **Detail Map** must be submitted, with the amended (added) acres clearly outlined.
- (6) A **Site Information Form** must be provided whenever there is a change in ownership of land at the site described in the Mine Plan. One site information form is required for each individual landowner.
- (7) Where consent to entry from the landowner(s) is required (see Definition "H"), a **Consent to Entry** form must be provided whenever there is a change in ownership of land within the Mine Plan area or when a Mine Plan area is expanded to include land owned by individuals who have not already granted the Land Reclamation Program consent to entry.
- (8) Revised **Mine Plan** and **Detail Map** must be submitted by the successor operator if he or she intends to change the operation or reclamation plans.
- (9) The Land Reclamation Program staff will determine whether or not the proposed revision is significant enough to require a new public notice or maps.
- (10) Do not publish the public notice until the Department's Land Reclamation Program informs you to do so.
- (11) Distribute the public notification letter at the same time that public notification is provided to the newspaper.

DEFINITIONS

- (A) A **Permit Application** form is a single page of basic information about the operator and permitted acreage. This form is for use in all permitting actions except permit transfers and renewals. Mark the applicable box or combination of boxes listed near the top of the form. For example, if the applicant were expanding his or her permit, he or she would check the "Permit Expansion" box. The Permit Application form requires signature notarization.
- (B) **Fees and Bonding Worksheet** is a single page that the permit seeker can use to calculate the annual permit, site and acreage fee and determine the adequate amount of bond for the permit application.
- (C) A **Permit Renewal Form For Industrial Minerals Mines** is a single page of basic information about the operator and the fees. This form is used to renew the permit, for renewal only, and compute the annual permit renewal fees.
- (D) A **Site Information Form**, MO 780-1036, is a single page upon which the applicant gives the location, current landowner(s), operator's right to mine, and owner(s) of the mineral rights at the mining site. A site is the area described in a Mine Plan. The site information form identifies the same amount of acres associated with the mine plan and public notice.
- (E) A **Mine Plan**, MO 780-1327, are five pages in which the applicant describes the condition of the areas to be mined, the methods of mining, and the plans for reclamation. The Mine Plan describes all open-pit operations to be conducted within a specific area and during a specified period of time associated with the public notice. If the operator is mining at more than one site, separate Mine Plans for each site must be submitted. **Each Mine Plan must be signed by the applicant and notarized.** By signing the Mine Plan form, the operator declares that he or she has received approval from all landowners for all proposed post-reclamation land uses and seed mixtures. Each Mine Plan must be accompanied by the required maps (see page 4).

Short-Term Mine Plan: This Plan describes the mining and reclamation operations that will be done during one year. A short term mine plan is for operators who plan on conducting mining operations for a period of only one year or less.

Long-Term Mine Plan: This Plan can save you time and money. All permits are issued for a 12-month period. However, an operator who wishes to avoid having to prepare the requirements for a new permit every year, and is able to state what, how, and when areas will be mined for several years in advance, should provide a long-term Mine Plan. Check the box marked "LONG TERM" at the top of page 1 of the Mine Plan form and give the date through which the mining operations will be completed.

DEFINITIONS (CONTINUED)

The description of mining activities in a long-term Mine Plan must cover all operations, as it will be conducted throughout the period chosen. For example, if a period of five years is chosen, then the Mine Plan must describe all activities that will take place during that 5-year period. Also, the public notice must state the acreage and period of operation shown in the Mine Plan. This saves an operator from having to rerun their public notice every year. There is no limitation on the number of years that a mine may operate.

It is not necessary that all of the acreage described in a long-term Mine Plan be initially permitted and bonded. An operator is only required to permit, and thus bond, the areas that will be mined during the current permit year, plus those areas that have been mined but not officially reclaimed. A Permit issued with a long-term Mine Plan may be **amended** at any time by adding new acres.

The Code of State Regulations at 10 CSR 40-10.050(2) discusses the allowable distance for mining near a public road. A variance to mine closer than the minimum distance must be requested in writing. The operator should describe the area to be affected and the measures to be taken to protect public safety. Written approval from the county road commission or other appropriate governing body should be submitted with the operator's request letter. The Department's Land Reclamation Program staff must inspect conditions at the site and make a recommendation to the Land Reclamation Commission which will rule on the variance request. This process may require several months. Applicants should request a variance well in advance of the projected date for mining near a public road.

- (F) A **Public Notice** must be printed once per week, for four consecutive weeks in a local newspaper as required by 493.050 RSMo and whose readership includes the area to be mined. The public notice period shall begin no later than 10 days after the application is deemed complete by the Land Reclamation Program. Permits cannot be issued until the public notices have been published and the public comment period has elapsed (15 days after the final date of publication). **NOTE: The public notice cannot be published until a representative from the Land Reclamation Program notifies the operator to do so.**
- (G) A **Public Notification Letter**, is also a requirement in addition to the above newspaper public notice. The operator shall send a notice of intent to operate a surface mine by **certified mail** to:
1. The governing body of the counties or cities in which the proposed area is located.
 2. The last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area.
 3. The content of the public notification letter shall be the same as the public notice that is required to be published in the local news paper.

NOTE: Distribute the public notification letter by certified mail at the same time that public notification is provided to the newspaper. Once the certified mail is registered as being sent, mail copies of the sent certified mail receipts to the attention of the individual who informed you to run the public notice at the Department's Land Reclamation Program address.

- (H) The **Consent to Entry**, MO 780-1329, must be signed by all landowners (or their legal representatives) identified on the Site Information Form. This form certifies that the landowner gives permission for Land Reclamation Program personnel to enter his or her property to inspect the mine site. A Consent to Entry form is not required if the operator: 1) is the landowner, or 2) mines less than 10,000 tons of mineral commodities per year from all areas permitted by the Land Reclamation Program.
- (I) **Locator Map and Detail Map** are required for all permits.

I. **LOCATOR MAP** - two copies required.

The map must be of sufficient scale to locate and distinguish the permit boundary from other mine sites in the area. Mark the access route from the nearest public road to the site so that our inspector can visit the mine. The locator map may be prepared on an original or clearly copied Missouri Highway Department County map, United States Geological Survey (USGS) 7-minute topographic map (map scale 1" = 2,000'), county assessor map, **or an up-to-date county ownership plat**. In general, operators submit an up-to-date county ownership plat map to satisfy adjacent property owner notification letter requirements.

The Locator Map must show the following:

- A. The permit (bonded) area in relation to state or county roads and towns or cities in the general area.
- B. North arrow, and map scale.
- C. Company name, county, mine or site name, legal description (section, township, range), date of map preparation, and preparer's name.

II. **DETAIL MAP** - two copies required.

The Detail Map must be at a scale of one inch to six hundred sixty feet (1" = 660') or larger (for example, 1" = 400', 1" = 200'). An original or clearly copied, up-to-date Agricultural Stabilization Conservation Service (ASCS) aerial photo (1" = 660') may be used as a base map.

DEFINITIONS (CONTINUED)

The Detail Map must show the following:

- A. The permit (bonded area) boundary. When submitting a long-term Mine Plan, the boundary of the long-term Mine Plan area must also be included. The acreage within each boundary must be marked on the map.
 - B. Property lines and names of landowners, owners of surface and subsurface rights within the Mine Plan area and names of all owners of adjacent properties.
 - C. Approximate positions of public roads located in, or within one hundred feet (100') of the permit area.
 - D. The location of terraces, waterways and diversions within the Mine Plan area.
 - E. The location of acreage within the Mine Plan boundary designated for each post-mining land use as given on page 4 in the Mine Plan. This information may be presented on a separate, reasonably accurate sketch map of the Mine Plan area.
 - F. Company name, permit number, county, mine or site name, legal description (section, township and range), date of map preparation, and preparer's name. North arrow and map scale.
 - G. Creeks or streams in or within 100 feet of the permit area.
 - H. Areas within the permit boundary mined prior to August 28, 1990. For these areas only, the permittee is not required to provide written proof that the landowner agrees to the post-reclamation land use or seed mixture.
 - I. Locations of abandoned underground or surface mines in, or adjacent to, the permit area.
 - J. Locations of acid or toxic-forming materials.
 - K. Positions of erosion and sediment control devices or structures.
 - L. Location of any structures (buildings, etc.) and natural or cultural features that require protection.
- (J) **Bonding Documents:** Open-pit sand and gravel operations mining 5,000 tons per year or less must be bonded at a rate of \$500 per acre before a permit is issued. For all other operations, the minimum bond required on eight acres or less is \$8,000; every acre over eight acres requires bond at \$500 per acre - see Example #1.

EXAMPLE #1:

Permitting 6 acres requires a minimum of \$8,000 in bonding:

Permitting 12 acres requires \$10,000 in bonding:

8 acres = \$8,000 minimum bond

4 acres = \$2,000 (\$500/acre x 4 acres)

The state will use the bond to complete reclamation if the permittee, for whatever reason, is unable or unwilling to fulfill the legal obligation to reclaim the disturbance to the land surface he or she has caused.

An operator may secure bond through a **surety bond**, **certificate of deposit**, or an **irrevocable letter of credit**. All bonds must be submitted on forms provided by the Land Reclamation Program.

If an operator elects to use a Certificate of Deposit (CD) to secure bond the CD must be accompanied by a "Personal Bond Secured By A Certificate of Deposit," MO 780-0936. The CD must also be assigned to the State of Missouri and the issuing bank must acknowledge this action using the "Assignment Of Certificate Of Deposit," MO 780-1342. The assignment must be irrevocable and conditioned on the release of the bond by the Land Reclamation Commission. A Certificate not assigned to the state must be made payable solely to the State of Missouri. In either case, the interest earned on a CD must be made payable to the depositor.

Applicants who wish to increase the number of acres under permit must post additional bond. A surety bond may be increased through a rider with an attached power of attorney.

Bonds may be replaced, dollar for dollar, at any time. However, the old bond cannot be returned until the replacement bond has been submitted and accepted by the Land Reclamation Program staff director.

Bond (reclamation liability) release, is an important part of the mine closure process. The permittee initiates the process by completing form MO 780-0946, "Request For Approval Of Reclaimed Land" and submitting this document along with a map which clearly shows the proposed release area. The Land Reclamation Program staff must inspect conditions at the site and make a recommendation to the Land Reclamation Commission which will rule on the bond release request. At least two growing seasons must pass after an area has been planted before the success of revegetation can be judged. Land never affected by mining, but is under permit and bond, may be released by the staff director. To obtain a "Request For Approval Of Reclaimed Land" form, contact the Department's Land Reclamation Program.

DEFINITIONS (CONTINUED)

- (K) A **new permit** involves mines being permitted for the first time. A new permit is assigned a unique identification number. To aid in the permitting process, an operator obtaining a new permit may contact the Department's Land Reclamation Program for the next new permit number.
- (L) A **permit amendment** applies when an operator wants to add new acres to the permit, but the new acreage total does not exceed the number of acres described in the current long-term Mine Plan or acreage associated with the section, township, and range identified in the public notice - see Example #2. Amendments can be requested at any time, not just at renewal.

EXAMPLE #2:

An operator, with a 10-acre Mine Plan and six acres under permit, wants to renew the expiring permit. In addition to the six acres, two new acres are to be permitted in the next 12 months bringing the total bonded area to eight acres. Because the eight acres he or she requests is still within the 10-acre long-term Mine Plan area, mark the application form for **amendment** (two acres) and complete a Renewal Application for (6 acres).

- (M) A **permit revision** changes the operation plan or reclamation plan described in a current, approved Mine Plan. Revisions can be requested at any time, not just at renewal.
- (N) A **mine expansion** adds acres or sites outside the current, approved Mine Plan area - see Example #3. An operator may request a mine expansion at any time, not just at renewal.

EXAMPLE #3:

The next time the same operator in Example #2 renews the permit, then wants to add three acres to the eight acres he or she permitted the previous year, bringing the total to 11 acres. Because the 10 acres listed in the Mine Plan has been exceeded, the application would combine a Permit **Renewal Application**(eight acres) along with a Permit Application with boxes marked **amendment** (two acres), and **expansion** (one acre).

- (O) A **permit transfer** is for transferring permitted acreage from one operator to another. Upon completion and approval of this form, the proposed successor of the transferred acreage or site, assumes all outstanding reclamation liabilities at the site. This form requires signature notarization by the proposed successor and current operator. The proposed operator will need to satisfy public notification and other applicable permitting requirements for a permit transfer.